

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

LANDS – Hyderabad District – Shaikpet Mandal – Government lands – Transfer of Rights on certain occupations / encroachments of specified categories of un-assigned Government lands situated in the State by way of structure or otherwise on payment basis – Application of Sri K.Damodar Reddy in respect of Pr. No. 8-2-293/J-III/82/329/1, Road No.79, Jubilee Hills, Shaikpet Hyderabad – Rejected – Orders – Issued.

Revenue (Assignments.III) Department

G.O. Ms. No. 359

Dated 24.04.2010.

Read the following :-

- (1) G.O. Ms. No.166, Revenue (Assn.POT) Department, dated 16.2.2008.
- (2) From the Chief Commissioner of Land Administration, A.P Hyderabad Letter No. BB2/2391/2008, dated 19.10.2009.
- (3) Government Memo. No.19060 / Assn.III(1) / 2008-6, dated 21.10.2009.
- (4) Government Memo. No.460280 / Assn.III(1) /2009-1, dated 22.10.2009.
- (5) From the Chief Commissioner of Land Administration, A.P. Hyderabad Letter No. BB2/2391/2008, dated 3.12.2009.

-:o:-

ORDER :

One Sri K.Damodar Reddy filed an application dated 07.08.2003 for regularization before the Collector Hyderabad in terms of G.O. Ms. No.508, Revenue (Assn.I) Department, dated 20.10.1995 in respect of Premises No. 8-2-293/J.III/82/329/1, Road No.79, Jubilee Hills, Shaikpet Hyderabad to an extent 1200 Square Yards situated in T.S. No.1, Block-F, Ward No.9, correlated to old Sy. No. 403 P of Shaikpet Village and Mandal, Hyderabad District. While the matter is under process for inspections and further reports at District Level, the Government had issued further orders on regularization of encroached land vide G.O. Ms. No.515, Revenue (Assn.I) Department, dated 19.4.2003 and G.O. Ms. No.1601, Revenue Department dated 29.8.2005 superceding the earlier orders issued in G.O. Ms. No.508, Revenue (Assn.I) Department dated 20.10.1995. Subsequently, Government issued fresh orders on the subject matter of regularization of encroached Government land vide G.O. Ms. No.166, Revenue (Assn.POT) Department, dated 16.2.2008 superceding all earlier Government Orders on the subject matter including G.O. Ms. No.1601, Revenue Department dated 29.8.2005.

2. The applicant Sri K.Damodar Reddy filed W.P. No.4652 which was disposed off on 04.03.2008 directing the District Collector Hyderabad to dispose of the application dated 7.8.2003. The District Collector has examined the request of the applicant and rejected vide their Office Proceedings No. I2/2816/208, dated 11.6.2008.

3. The applicant has filed an application for Transfer of Rights on 29.02.2008 under the provisions of the G.O. Ms. No.166, Revenue (Assn.POT) Department, dated 16.2.2008 before the District Collector and it was under process, the applicant has filed W.P. No. 15231 of 2008 with a prayer to declare the proceedings No. I2/2816/2008, dated 11.6.2008 as being illegal, arbitrary, and consequently direct the respondents to regularize the plot of land to an extent of 1200 Square Yards with a dwelling house bearing H.No. 8-2-293/82/J.III/329/1 situated at Road No.79, Jubilee Hills, Hyderabad in accordance with the guidelines laid down in G.O. Ms. No.515, Revenue (Assn.I) Department, dated 19.04.2003. The Hon'ble High Court has disposed of the W.P. No.15231 of 2008 on 31.7.2008 as extracted hereunder.

" the Counsel for the petitioner submits that as per G.O. Ms. No. 1601, dated 29.08.2005, the competent authority to consider the cases of regularization of lands exceeding 500 Square Yards in Hyderabad and Ranga Reddy Districts is the Committee appointed by the Government and since the impugned order rejecting the case of the petitioner is passed by the District Collector, the same is without any jurisdiction.

contd.2.

Today when the matter is taken up, the learned Government Pleader on instructions concedes that the District Collector is not the competent authority to pass the impugned order.

In view of the above submission, the impugned order is liable to be set aside and it is accordingly set aside and it is directed that the matter be placed before the 1st respondent i.e. Principal Secretary to Government, Revenue Department to consider and pass appropriate orders on the said application of the petitioner".

4. In the light of the directions of the Hon'ble High Court in W.P. No.15231 of 2008 on 31.7.2008, Government have examined the request of the applicant for regularization of land covered by H.No. 8-2-293/J.III/329/1 (covering an extent of 1200 Square Yards) situated at Road No.79, Jubilee Hills, Hyderabad in terms of G.O. Ms. No.515 Revenue (Assn.I) Department, dated 19.4.2003 and observed that there is no reason to accept the claim of the applicant for regularization of the land under reference under the provisions of the G.O. Ms. No.515, Revenue (Assn.I) Department, dated 19.4.2003 which was superceded by G.O. Ms. No.166, Revenue (Assn.POT) Department, dated 16.2.2008 and accordingly the request of the applicant herein has been rejected vide Government Memo. No. 19060/Assn.III(1)/2006, dated 21.10.2009.

5. The application for Transfer of Rights of Government land to an extent of 1200 Square Yards situated at Shaikpet Village and Mandal, Hyderabad District applied by Sri K.Damodar Reddy under G.O. Ms. No.166, Revenue (Assn.POT) Department, dated 16.2.2008 was examined by the District Level Committee and observed that the scheduled land was inspected by the District Level Committee and found that the Jubilee Hills Co-operative Housing Society has allotted Plot No.329 to Sri K.Damodar Reddy to an extent of 696 Square Yards only but the Sri K.Damodar Reddy has encroached the adjacent Government land to an extent of 1200 Square Yards (dwelling unit covered by 397 Square Yards and 786 Square Yards is vacant) and also found that that the land applied for regularization is part and parcel of the land already allotted to Film Development Corporation in the year 1982 vide G.O. Ms. No.1015, Revenue (Q) Department, dated 17.7.1982. Therefore, the District Level Committee in its Meeting held on 14.9.2009 have not recommended and forwarded the applicant's case to the State Level Committee headed by the Chief Commissioner of Land Administration, A.P. Hyderabad.

6. The proposal contains the request of Sri K.Damodar Reddy was placed in the State Level Committee Meeting held on 25.11.2009. The State Level Committee have examined the contention of the applicant as represented by him that he encroached the Government land to an extent of 1200 Square Yards which was apart from his own plot and it is adjacent to his plot allotted. The applicant has stated that he encroached the Government land so as to make a rectangular property as per vashtu and developed the same by spending considerable money. There is no approach to the said Government plot / land so occupied and it is a dead-end plot. The applicant also stated that as per the Collector - Hyderabad Instructions No.R1/8135/95, dated 29.3.2005 in pursuance of the G.O. Ms. No.515, dated 19.4.2003 he had paid the amount of RS. 2,96,700/- (Rupees two lakhs ninety six thousand seven hundred only) through DD No. 705161 dated 8.7.2005 and the same was encashed by the Collector Hyderabad. The applicant has also represented that the contention of the Collector that the land is already allotted to FDC in the year 1982 is false and incorrect as the land was only allotted in the year 1991 vide G.O. Ms. No. 226, GA (I & PR) Department dated 26.3.1991.

7. The State Level Committee for Regularization have discussed the matter in detail and observed that the scheduled land is part of the land which was allotted to the Film Development Corporation in the year 1982 vide G.O. Ms. No.1015, Revenue (Q) Department dated 17.7.1982 and accordingly, the State Level Regularization Committee has not recommended the request of the applicant for regularization of Government encroached land admeasuring 1200 Square yards in premises No. 8-2-293/J.III/82/329/1, Jubilee Hills, Shaikpet, Hyderabad. The Chief Commissioner of Land Administration while enclosing the minutes of the State Level Regularization Committee and connected record has requested the Government for taking further action.

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8. Government after careful examination of the matter and also recommendations of the State Level Committee for Regularizations have observed that the request of Sri K.Damodar Reddy Dy. S.P. (Retd) for regularization of plot of land covered by H.No. 8-2-293/82/J.III/329/1 (covering an extent of 1200 Square Yards), situated at Road No.79, Jubilee Hills, Hyderabad is not feasible for acceptance in terms of G.O. Ms. No. 166, Revenue (Assn.POT) Department, dated 16.2.2008 since the land was earlier allotted to Film Development Corporation and accordingly, the request is rejected.

9. The Chief Commissioner of Land Administration, AP Hyderabad / District Collector – Hyderabad shall take necessary action. The original record bearing No.I2/2816/2008 containing NF 16 pages CF 258 pages are returned herewith to the District Collector.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJESHWAR TIWARI
SECRETARY TO GOVERNMENT

To
The Chief Commissioner of Land Administration,
A.P. Hyderabad.
The District Collector – Hyderabad
(with original record)

Copy to:

The Commissioner,
Greater Hyderabad Municipal Corporation, Hyderabad.
The Managing Director,
A.P. Film Development Corporation, Hyderabad.
The applicant (thro' Collr. Hyd)

/ Forwarded :: By Order /

SECTION OFFICER